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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,669	02/12/2004	Gary F. Nault	2316.1687USD1	5869

7590 02/01/2005

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EXAMINER

LE, TAN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/777,669

**Applicant(s)**

NAULT ET AL.

**Examiner**

Tan Le

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-15 is/are allowed.
- 6) ☒ Claim(s) 1,3 and 8 is/are rejected.
- 7) ☒ Claim(s) 2,4-7 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/12/04 and 10/15/04</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the first office action for serial number 10/777,669. This application contains claims numbered 1-15. Claims 16-20 have been canceled.

1. Applicant's election without traverse of Group I, the species of Figs. 46-47, claims 1-15 in the reply filed on 10/15/04 is acknowledged.

Currently claims 1-15 are readable on the elected species. An examination as follows:

2. Applicants have canceled claims 16-20 by a preliminary amendment filed 2/12/04. Thus no claims are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.
3. Amendment to specification filed on 2/12/04 has also been entered.
4. IDSs submitted on 2/12/04 and 10/15/04 have been reviewed and considered.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 0075550 to Holloway.

Holloway discloses a member connector (Figs. 6-12) comprising a body (2) including a bottom wall and two side walls defining a trough, the body having a body terminal end defining an overlap region (12, 12a, 12b, 11); a locking element including a spring (21) (Fig. 7) and a spring release mechanism (1, generally) (see Figs. 10-12), the spring including first and second spring arms (22, 23, 27) (Fig. 7) extending substantially generally in opposition to one another in a plane generally parallel to the longitudinal direction, where the spring release mechanism is forced by the spring into the locked position; the locking element defining a hole (no numeral) which is capable of receiving a fastener where the fastener can be a screw.

***Allowable Subject Matter***

6. Claims 4-7 and 9 are objected to, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Claims 10-15 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: Claims 10-15 are allowed because of the following reasons:

None of the prior art of record discloses or suggest the locking element including a main body with a railway on which a spring release mechanism slides, the locking element including an unlocked position, in which the spring release mechanism is held by the locking element in engagement with the spring, and a locked position, in which the spring release slides along the railway in the longitudinal direction to release the spring as recited in claim 10.

**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,810,191 to Ferris et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (703) 305-8244. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le

January 18, 2005